

ACADEMIC FREEDOM AND COMMUNIST TEACHERS

Critique of a Report

PAUL R. HAYS

THE American Association of University Professors, an organization with about 37,000 members, recently adopted a report on "Academic Freedom and Tenure in the Quest for National Security" in the course of which it was said: "We cannot accept an educational system that is subject to the irresponsible push and pull of contemporary controversies."

The priggishness of this academic aloofness from "contemporary controversies" recalls Pliny the Younger's irritation at being interrupted in his reading of Livy's histories by the eruption of Mount Vesuvius. But subjection to "irresponsible" push and pull is quite another matter. The professors are clearly justified in demanding an attitude of responsibility from the university administrations, just as those administrations, and the community as a whole, are justified in expecting that university professors and their Association will take responsible positions on matters of controversy, contemporary and otherwise.

One of the essentials of the attitude of responsibility which we have a right to demand of university professors is that they will examine issues seriously and soberly, and that they will stand fast against those barrages of slogans and catchwords which sometimes sweep others off non-professorial

feet. In the course of the contemporary controversy over freedom and security, professors, like the rest of us, have been bombarded from both sides. That the professors have stood up very well against the pressure from what may be roughly described as the McCarthy-Jenner-Eastland line of attack is admirably demonstrated by their "Report." As Sidney Hook has pointed out, it is almost impossible to find a professor who has expressed agreement with this line or approval of its tactics. Indeed, it would be a very bold professor who would dare to risk the scorn and contempt which his colleagues would heap upon him if he expressed such views.

But, although professors ought to be peculiarly fitted for the duty of keeping more than one idea in mind at a time, there seems to some of us to be a serious doubt as to whether the profession has been able with equal firmness to withstand the pressure from the other side, the side which may roughly be designated (at the risk of incurring the wrath of General Telford Taylor, who has strictly prohibited the use of the phrase) the anti-anti-Communist side. The screams of "McCarthyism" from that side have surely been at least as raucous and as frequently absurd and misdirected as have been the screams of "Communism" from the other. How well have the professors demonstrated their responsibility in face of *this* "irresponsible push and pull"?

LAST YEAR the American Association of University Professors appointed a special committee to review the question of "Academic Freedom and Tenure in the Quest for National Security." PAUL R. HAYS, whose essay addresses itself to the report recently rendered by the AAUP's special committee, is vice-chairman of New York's Liberal party and professor of law at Columbia University. A previous article by him, "Congress's Right to Investigate," appeared in November 1955.

THE "Report" of the Association avoids those excesses which have resulted from the panic so assiduously whipped up in an attempt to frighten professors and other intellectuals into believing that their freedom has been destroyed. There is in it very little echo of the exaggerations of Robert May-

nard Hutchins, whose efforts to picture the present situation as a reign of terror where no professor dares to speak out have done so much to discredit the causes for which he claims to stand. These professors have not been stampeded by the cries of "McCarthyism" into such grotesque misrepresentations of the contemporary status of academic freedom as has even such an eminent and respected scholar as Robert M. MacIver. The sound of thirty-seven thousand professorial voices screaming at the top of their lungs that they were afraid to say a word would, perhaps, have suggested paradox even more than do Professor MacIver's own vehement protests.

So the Association's professors "do not say the battle is lost." In fact, they find that "there is . . . cause for gratification that even during the recent past a large measure of freedom has been both developed and preserved."

But with all this there is still to be found in the "Report" such reflections of the synthetic panic as the statement, "It would require great fortitude, for example, for any teacher or student to espouse a position the Russians have adopted, rather than some official stand taken by the United States, on any significant contemporary issue." Unless the professors are thinking of such elemental issues as murder and slave labor, it is hard to think of any significant contemporary issue on which thousands of professors do not regularly, and as an everyday matter of course, express agreement with the Russian position rather than the American. While I *do* know professors who defend the Russians in their murder of those who have the great fortitude to speak out against their oppressors, I suppose they are rather few in number, and though, so far as I can see, they are in no danger whatsoever, perhaps there is some element of courage involved in publicly espousing murder. But nothing could be more astonishing than the proposition that it requires any courage whatsoever to take a position, for example, against German rearmament, or for recognition of Red China. In fact, though, quite properly,

no risk whatever of jobs is incurred in taking either side on any such contemporary issues, I would judge on the basis of my own experience that a professor who took the "American" side would be in greater danger of derision from his "liberal" colleagues than a professor who took the "Russian" side would be from the "reactionaries."

IN SPITE of the generally not too unfavorable atmosphere of academic freedom which the Association finds, it is concerned with individual examples of breaches of this freedom and much of its "Report" is taken up with discussion of these examples. Many of these present interesting and perhaps arguable points. (Apparently, however, there was some limitation on argument, since at least one of the professors who attended the meeting which adopted the "Report" is quoted by newspapers as having characterized the proceedings as "tyrannical.") But it is not the individual reports which raise the more puzzling questions as to the degree of responsibility demonstrated by these professors, but rather the general principles which guided them in their determinations in individual instances.

One of the "Relevant General Principles" of the "Report" refers to the claims of military security. The professors "unhesitatingly accept the application to colleges and universities of needed safeguards against the misuse of specially classified information important for military security." But they believe that "in no degree do they [the safeguards] justify the proscription of individuals because of their beliefs or associations, unless these persons were knowingly participants in criminal acts or conspiracies, either in the past or at present."

In other words, an applicant for a position in a university department dealing in secret material for the Department of Defense could not be "proscribed" merely because he announced that he believed that the welfare of mankind would be furthered by his stealing documents for transmission to the Soviet Union, unless it could be

proved that he had already knowingly stolen documents somewhere else. The fact that he was known to meet every evening after dinner with a group of Soviet spies under surveillance by the F.B.I. would be no ground for denying him access to secret information. The university administration would have to prove that the meetings were not held merely for the purpose of drinking beer or discussing Chekhov.

The language which the professors use betrays them on this "relevant principle." The irresponsibility of their formulation is the direct result of their failure to examine the slogans and the catchwords of the anti-anti-Communists as carefully as they have examined those of the other side. The professors have been panicked by such empty phrases as "proscription of individuals" and "beliefs or associations" (cf. "guilt by association"). A moment's reflection would have demonstrated that *some* beliefs and *some* associations are clearly and vitally relevant to the right of access to classified information. By falling for the catchwords, they were prevented from taking that moment for reflection.

THE same kind of muddled, slogan-ridden thinking is found in the discussion of disclaimer oaths and general investigations. Here the professors say:

We deplore the entire recent tendency to look upon persons or groups suspiciously and to subject their characters and attitudes to special tests as a condition of employing them in responsible positions. This country's greatness is founded upon a belief in the individual's importance and upon a trust in his ability and worthiness to serve his fellow-men in accordance with his capacity. Only by gross misconduct, proved by means of due process, should the right to this trust be lost, and then only to the extent necessary to defend the common interest. The confidence reposed in the individual and in his integrity, and the independence of decision and action granted him, have been vindicated throughout our history by the loyalty of our citizens, and by their willingness to make sacrifices in times of crisis. With infrequent exceptions, even those who have pursued false causes and have seemed at times to threaten the nation's funda-

mental principles have done so, as history generally recognizes, out of concern for the general welfare as they saw it.

Special tests of "characters and attitudes" are as common in our system and as typical of it as is reference in Fourth of July orations to "sacrifices in times of crisis." For example, an attitude of carelessness toward other peoples' property may be all very well for a professor, but it clearly should be the subject of a special test for the responsible position of a bank clerk. Professors may appropriately have characters which are free of guile and trusting of all fellow-men on the ground that most individuals are worthy of trust, but a special test of character may be required in this respect for detectives and policemen. And a bank clerk's telling his girl friend of his plans to rob the bank is probably not "gross misconduct." Perhaps "due process" would reveal that he was only trying to impress her with his nonchalance. But it might be a sufficient reason for loss of trust, just as a professor's announcement that he planned to recruit his students for the Mafia might be innocent merriment, but would bear looking into. And, finally, the fact that Alger Hiss believed that his treachery would serve the general welfare "as he saw it" hardly qualified him for a professorship. Or perhaps these professors think it does, and that with the loss of John Wilkes Booth, who also acted for the general welfare as he saw it, the universities were deprived of a valuable possibility for the chair of dramatic literature.

Consider the emotive words in this pastiche of irresponsible thinking. "The country's greatness," "belief in the individual's importance," "trust," "worthiness," "serve his fellow men," "defend the common interest," "confidence," "integrity," "independence," "throughout our history," "the loyalty of our citizens," "sacrifices," "the nation's fundamental principles," "concern for the general welfare." Surely, we can expect better from our professors than the thoughtless piling up of catchwords to beguile us into believing that we need not consider individual characters and attitudes in

choosing people for responsible positions.

The professors begin their discussion of what a professor *can* be fired for with another high-sounding statement which is equally incapable of surviving the slightest test for content. "Action against a faculty member," they say, "cannot rightly be taken on grounds that limit his freedom as an individual, as a member of the academic community, or as a teacher and scholar." Since, of course, any grounds whatever for such action would limit all three "freedoms," the statement means precisely nothing—though it certainly has a resounding ring.

THE fact of the matter is, of course, that, thank Heaven, university professors are better than this collection of false platitudes would indicate. They can reason; they can examine arguments dispassionately; they can weigh evidence. What has carried them away, and trapped them in this bog of nonsense, is their desire to defend the right of Communists to be university professors. All of their illogical statements, specious reasoning, and resort to catchwords and slogans is really directed, not to proving that Al Capone would make a good university professor—although they succeed in proving that too—but to justifying the right of Communists to teach. The issue is not whether "beliefs and associations" are important in determining whether we want John Doe as a colleague. Of course they are. The real issue which has got the professors so steamed up that they have forsaken logic and common sense is whether Comrade Doe should be fired. In order to be sure to include Comrade Doe under the protective cloak of academic freedom, the professors have made the cloak so broad as to include almost anybody who hasn't actually been hanged for murder.

If the professors had been more willing to meet head-on the issue of the desirability of having Communist professors, they could have spared themselves all the parade of principles so general that they are false or meaningless or both. Whether Communists should teach or not is an arguable issue in

itself. But there are arguments against it which the professors seem curiously unwilling to examine. There may be some merit, for example, in their argument that the determination of who *are* Communists is not likely to be made with fine discrimination by some university administrations. This argument, however, is logically unavailable to the professors because they have already taken the position that those who *undoubtedly* are Communists should not be fired for that reason. A somewhat similar dodge is used in recommending that professors oppose the move to make Communist party membership illegal. Don't do that, they say, because it would only drive them underground, and we all want them "kept in view." Of course, if the Communists are such pleasant, harmless, agreeable ideologues that we want them to teach in our universities, driving them underground would be an injustice—but it would have nothing to do with the desirability of keeping them in view.

The arguments against having university professors who are Communists is, briefly, that Communism is not an ideology but a conspiracy, and that membership in the Communist party today is for all practical purposes proof of complicity in that conspiracy. A part of that conspiracy which is particularly relevant to teachers is the requirement of the party that members use their role as teachers to further the ends of the conspiracy, regardless of the means used to do so. A teacher's membership in the Communist party therefore means that he is devoting every possible effort to bringing about the destruction of the United States and the success of the Soviet Union.

AT NO point in their "Report" do the professors attempt to deal with these arguments directly. But it seems fairly certain that they must reject them. The identification of Communism as just another competing ideology becomes explicit when the professors say:

To maintain a healthy state of thought and opinion in this country, it is desirable for ad-

herents of Communism, like those of other forms of revolutionary thought, to present their views, especially in colleges and universities, so that they may be checked by open discussion. How else are Americans to know the nature of the ideological currents in their world? If representatives of Communism from abroad were to be employed under an exchange program in American institutions of higher learning, as has been proposed, the unwisdom of the present academic policy would quickly become evident. We urge that American colleges and universities return to a full-scale acceptance of intellectual controversy based on a catholicity of viewpoint, for the sake of national strength as well as for academic reasons.

It seems scarcely necessary to point out the absurdity of the notion that you have to have Communists to teach the nature of Communism, since this "Relevant General Principle" is unlikely to fool many of the professors or to lead to widespread demand for Egyptians to teach Egyptology or homosexuals to teach homosexuality.

The assumptions which underlie the quoted paragraph are much more serious in their implications. If it were not for the fact that indications of the same attitude are common in intellectual circles generally, there would be occasion for astonishment in the professors' blandly unquestioning acceptance of Communism as merely one of the entirely respectable ideologies presently competing along with others for public acceptance in the market place of ideas. The professors' canon of "catholicity" never led them to demand that Nazis and Fascists be imported to teach those ideologies. It is a major mystery of our day why, among all the temporarily successful gangsters of modern times, the Communists alone have been able to acquire in the eyes of the intellectuals a special aura of respectability.

Professors are particularly concerned with problems of learning, and some of them might well devote their attention to what appears to be a phenomenal failure of the learning process. Even those of us who were pointing out in the thirties the lessons to be learned about Communism can understand if not excuse the failure of the intellectuals

of that time to grasp those lessons. While it may seem gratuitous for the American Association of University Professors to praise Johns Hopkins University, as they do in their "Report," for keeping as a professor an expert on the Soviet Union to whom in the thirties the obscene Moscow purges "sounded like democracy," we could, again, understand that praise if the professor had since learned the true character of those purges. A tolerant view of our intellectuals would even allow them the right to have been taken in by the wartime propaganda about our gallant allies, in spite of the Hitler-Stalin pact. But how they could have withstood the postwar revelations of murder and espionage, of trickery and deceit, of enslavement and oppression, defies analysis in terms of the logic of intelligent learning. And today, when so much of the history of the Communist movement over the past thirty years stands exposed, not only by the investigation of scholars but by the admission of its principal leaders, as the insane violence of a homicidal maniac, one might reasonably demand of the professors that they exhibit some evidence that, however late, at last they have learned the most elementary lesson of their times.

But no. What others have learned to look upon as a war to the death waged by forces of darkness and evil against all decency, is to the professors an "intellectual controversy" which would be furthered by a "catholicity of viewpoint" in our universities: Communism is not a conspiracy to destroy the freedom of mankind, but a form of revolutionary thought like other "forms of revolutionary thought." Inviting Soviet professors to teach in our universities would not present an opportunity for espionage and sabotage (unless it presented a chance to seek asylum), but would show "the unwisdom of our present academic policy."

THE professors who subscribed to this "Report" would have commanded confidence and respect, if they had sought to deal with the arguments of such colleagues of theirs as Professors Sidney Hook, George S.

Counts, and John L. Childs, instead of having resort to general principles which merely repeat the empty stereotypes of the anti-anti-Communists. In addition to the vigorous dissents reported by the press, one item of information contained in the "Report" suggests that, whatever the position of the leaders of the American Association of University Professors, the average American professor has not been stampeded into taking irresponsible and indefensible positions. The faculty of the University of California,

"after a full year's discussion, voted by secret ballot in a majority of 79 per cent to sustain the policy of the University excluding Communists from employment." And this majority voted not only to exclude "Communists from teaching positions simply upon evidence of membership in the Communist Party," but also to exclude teachers whose "commitments or obligations to any organization, Communist or other, prejudice impartial scholarship and the free pursuit of truth. . . ."

APOLOGIA PRO VITA NOSTRA

JACOB SLOAN

How cool within the fiery
furnace of His creatures
the young men daily raise
wide sleeves in happy praise
to His more-than-natural ways:
See how they rise at Lauds
each from his place,
banked line to line against
each other's grace.

Then see us, sweating, sad,
like animals from nature,
that cannot hold to hear
His open voice for fear
what once was, will be, clear:
See how we, beating, breast
each other's sins,
that all our rage may be
forgiven Him.

WHEN we were young, we stared
hour-long at mirror eyes,
suddenly to surprise
our true identity:

Who now that we have grown
through the simple glass
know, We are not our past,
but what we think

or seem. Birds we followed once
in longing and in flight
across His empty sky
defy their own

formations: "Veer away, away,
stragglers turn, leaders,
Jesus ends as Caesar,
all can be

what none was really born to."
When young we denied
ourselves in every guise:
We were His.

But now we must hail
the living evidence—
our foxhead against
His lion tail.

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